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IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

| | | |
|-------------------------------|---|-----------------------------|
| UNITED STATES OF AMERICA, |) | Case No. 01:00CR5395 AWI |
| |) | |
| Plaintiff, |) | MOTION AND ORDER TO DISMISS |
| |) | INDICTMENT |
| v. |) | |
| |) | |
| DAVID FIGUEROA-HERNANDEZ, |) | |
| aka David Figueroa Hernandez, |) | |
| |) | |
| Defendant. |) | |

Pursuant to Federal Rule of Criminal Procedure 48(a),
Plaintiff United States of America, by and through its attorneys
of record, BENJAMIN B. WAGNER, United States Attorney, and
Kathleen Anne Servatius, Assistant United States Attorney, hereby
seek leave of court and move to dismiss the indictment in this
case without prejudice, as to the above-named defendant, in the
interest of justice.

DATED: April 6, 2012

Respectfully submitted,
BENJAMIN B. WAGNER
United States Attorney


By: /s/ Kathleen Anne Servatius
KATHLEEN ANNE SERVATIUS
Assistant U.S. Attorney

ORDER

IT IS HEREBY ORDERED that the indictment in this case be dismissed without prejudice in the interest of justice.

IT IS SO ORDERED.

Dated: April 6, 2012


CHIEF UNITED STATES DISTRICT JUDGE